IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And
THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION NO : 8536 of 2005

Between:

1 J.Hanumanth Reddy, S/o.J.Veera Reddy
Shri Mahalingeswhara Swamy Temple Kaknoor Village, Keshampet

Mandal, Mahaboobnagar District.
2 B.Gopaiah S/o.B.chennaiah, R/o.Kaknoor Village, Keshampet Mandal,
Mahaboobnagar District.
3 G.Krishnamachari S/o.G.Lingaiah, R/o.Kaknoor Village, Keshampet

Mandal, Mahaboobnagar District.
4 D.Ramachandraiah, S/o.D.chandraiah, R/o.Kaknoor Village, Keshampet

Mandal, Mahaboobnagar District.
5 Hanumanthu S/o.Narsaiah, R/o.Kaknoor Village, Keshampet Mandal,
Mahaboobnagar District.
6 Chakali Narsimhulu S/o.Jangaiah, R/o.Kaknoor Village, Keshampet

Mandal, Mahaboobnagar District.
7 Kambam Laxma Reddy S/o.Ram Reddy, R/o.Kaknoor Village, Keshampet

Mandal, Mahaboobnagar District.
8 S.Malla Reddy S/o.Narsimha Reddy, R/o.Kaknoor Village, Keshampet

Mandal, Mahaboobnagar District.
9 B.Rangaiah S/o.B.Narayana, R/o.Kaknoor Village, Keshampet Mandal,
Mahaboobnagar District.
10 M.Balaiah S/o.M.Ramaiah, R/o.Kaknoor Village, Keshampet Mandal,
Mahaboobnagar District.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh, rep. by its Secretary, Endowments

Department, Secretariat, Hyderabad.
2 The Commissioner, Endowments Department,
Boggulakunta, Tilak Road, Hyderabad.
3 The District Collector, Mahabubnagar District, Mahabubnagar.
4 The Assistant Commissioner, Endowments Department, Mahabubnagar

District, Mahabubnagar.
5 Sri Mahalingeswhara Swamy Temple Rep. by its Commissioner,

Sri C.Domadar Reddy S/o.and age not known, Kaknoor Village Keshampet

Mandal, Mahaboobnagar District.

6 Jangam Baswaleela, W/o.Jangam Veera Bhadrayya
S/o.and age not known, Kaknoor Village Keshampet Mandal,

Mahaboobnagar District.
7 Jangam Mahalingam, S/o.Jangam Veera Bhadrayya
S/o.and age not known, Kaknoor Village Keshampet Mandal,

Mahaboobnagar District.
8 Jangam Kumaraswamy, Jangam Veera Bhadrayya
S/o.and age not known, Kaknoor Village Keshampet Mandal,

Mahaboobnagar District.
9 Jangam Shiva Shankar, Jangam Veera Bhadrayya
S/o.and age not known, Kaknoor Village Keshampet Mandal,

Mahaboobnagar District.
10 Gorige Padmamma W/o.G.Narayana
S/o.and age not known, Kaknoor Village Keshampet Mandal,

Mahaboobnagar District.
11 Gorige Neelamma W/o.Yelmanda Reddy
S/o.and age not known, Kaknoor Village Keshampet Mandal,

Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or orders or one in the nature of Mandamus a) declaring the action of the respondents 1 to 4 in not taking any steps in spite of repeated representations by

the petitioners to protect the lands from alienating bearing Survey Nos. 58/2, 59, 65, 66,70, 80 and 83 situated at Kaknoor Village, Keshampet Mandal, Mahabubnagar district which belongs to the Mahalingeshwara Swamy temple registered under Endowments Act and being the authorities to exercise the authority to protect the lands is arbitrary and illegal b) direction may be issued to the respondents No.1 to 4 to protect the lands and also resume the land which have been illegally sold by the respondents 6 to 9 in favour of respondents 10 and 11 under registered sale deeds dt.28th April 2004 or to pass any other order or orders appropriate in the case may be passed.

Counsel for the Petitioner:MR.M.RAMA RAO

Counsel for the Respondents No.1 to 4 : GP FOR ENDOWMENTS

Counsel for the Responents No.5 to 11 : MR.K.V.SATYANARAYANA

The Court made the following :

ORDER : (Per Hon'ble Sri Bilal Nazki, ACJ)

The grievance of the writ petitioners is that respondents No.1 to 4 are not taking any steps to protect the lands from alienation, which belong to a temple. In the counter affidavit it has been stated that the Government has already initiated steps to protect these lands. In para 7 of the counter, they have stated;

> "*I submit that I have assumed charge as Assistant Commissioner of Endowments, Mahabubnagar on 1-5-2005 and immediately I have acted upon the said representation and on 23-5-2005 I have addressed a letter to the Mandal Revenue Officer, Kesampet, bringing to his notice that the Inspector of Endowments Department, Mahabubnagar has submitted a report on 6-5-2005 to the effect that the Archakas and some of the occupants of the temple lands have sold the temple lands without obtaining permission from the Commissioner of Endowments, and therefore, requested the Mandal Revenue Officer not to record the names of the purchasers in the revenue records. On the very same day, simultaneously, I have also addressed to the Asst.Director of Survey and Land Records, requesting him to furnish the Sethwar relating to the above said survey numbers of the temple lands.*"

In this view of the matter, no further orders are necessary to be passed by this Court in this writ petition, which is accordingly dismissed. No order as to costs.

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(BILAL NAZKI, ACJ)

22nd July 2005.

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(K.C.BHANU, J)

ajr

To

1 The Secretary, Endowments Department, Government of Andhra Pradesh,

Secretariat, Hyderabad.
2 The Commissioner, Endowments Department, Boggulakunta, Tilak Road,

Hyderabad.
3 The District Collector, Mahabubnagar District, Mahabubnagar.
4 The Assistant Commissioner, Endowments Department, Mahabubnagar

District, Mahabubnagar.
5 Two C.Cs. to the GP for Endowments, High Court Buildings, Hyderabad

(OUT)

6 Two C.D. copies.